



City of Marietta Meeting Summary

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

CITY COUNCIL

William B. Dunaway, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Holly Marie Walquist, Ward 3
Irvan A. "Van" Pearlberg, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, May 13, 2009

7:00 PM

Council Chamber

20090443

MPD State Certification Award

Mr. Frank Rotondo, Executive Director, Georgia Association of Chiefs of Police will present Deputy Chief David Lee with an award for State Certification for the Marietta Police Department.

Presented

20090392

Marietta Citizens' Police Academy Graduates

Presentation of certificates by Officer Joshua Liedke and Deputy Chief David Lee to graduates of the Marietta Citizens' Police Academy.

Greg Barnes
Lynda Bricker
Michael Cain
Robert Canada
Alexander Castillo
Mark Crenshaw
Amy Gunter
Carole Hileman
Donald Jett
Larry Konieczny
Mark Kornfield
Daniel Martin
Michael Pierre
Surendra Shah
Shannon Smith
James Warmus

Presented

20090399

Regular Meeting - April 15, 2009

Review and approval of the April 15, 2009 regular meeting minutes.

Approved

- 20090354 **Board of Zoning Appeals Appointments**
Reappointment of Ron Shultz (Ward 1), James Mills (Ward 3), and G. Marshall Dye (Ward 4) to the Board of Zoning Appeals for 3-year terms.
Discussed
- 20090357 **MRC Board Vice Chairman**
Motion to appoint Ronald H. Francis as Vice Chairman of the Marietta Redevelopment Corporation (MRC) Board of Directors for the term of one year.
Approved
- 20090355 **MRC Board Appointment**
Appointment of Randy Weiner to Marietta Redevelopment Corporation (MRC) Board of Directors for a term of 2-years expiring April 10, 2011.
Discussed
- 20090385 **MDA Board Appointment**
Motion to reappoint Ed Hammock (Post 2) for a 2-year term, John Elliott (Post 4) for a 4-year term to the Marietta Development Authority.
Approved
- 20090438 **MDA Board Appointment**
Appointment of Steven F. McNeel (Post 1) for a 2-year term to the Marietta Development Authority.
Approved
- 20090182 **Z2009-06 World Plaza, a portion of 1200 Cobb Parkway North**
Z2009-06 [REZONING] WORLD PLAZA, LLC request rezoning for property located in Land Lot 931, 16th District, Parcel 20, 2nd Section, Marietta, Cobb County, Georgia and being known as a portion of 1200 Cobb Parkway North from GC [General Commercial (County)] to CRC [Community Retail Commercial (City)]. Ward 4.
Approved as Stipulated
Motion to approve the rezoning request with the stipulation that the south entrance to the property be right-in right-out only.
- 20090183 **A2009-01 World Plaza (Eraj Dositareh), a portion of 1200 Cobb Parkway North**
A2009-01 [ANNEXATION] WORLD PLAZA (ERAJ DOSITAREH) request annexation for property located in Land Lot 931, District 16, Parcel 20 and being known as a portion of 1200 Cobb Parkway North, 2nd Section, Cobb County, Georgia consisting of 0.407 acres. Ward 4.

Approved

20090184

CA2009-02 World Plaza (Eraj Dositareh) a portion of 1200 Cobb Parkway North

CA2009-02 [CODE AMENDMENT] WORLD PLAZA, LLC (ERAJ DOSITAREH) in conjunction with the requested annexation of property located in Land Lot 931, District 16, Parcel 20, 2nd Section, Marietta, Cobb County, Georgia, the City of Marietta proposes to designate the Future Land Use of said property as CAC (Community Activity Center). Ward 4.

Approved

20090101

Z2009-04 Acme American, LLC (Joel Digby) 301 and 311 Old Clay Street

Z2009-04 [REZONING] Acme American, LLC (Joel A. Digby) request rezoning for property located in Land Lots 02880 and 02890, 17th District, Parcels 0390 and 0120, 2nd Section, Marietta, Cobb County, Georgia and being known as 301 and 311 Old Clay Street from OI (Office Institutional) and R-4 (Single Family Residential 4 units/acre) to CRC (Community Retail Commercial). Ward 5.

Approved as Stipulated

Motion to approve the rezoning request as submitted with the following stipulations:

The following stipulations are incorporated as part of the requested rezoning:

- 1. The site plan signed and dated by the applicant shall be incorporated as part of the rezoning and the project shall be site plan specific.*
- 2. Permitted uses shall be limited to those stated in a letter from Joel A. Digby, dated January 20, 2009. Any future changes to the proposed list of approved uses shall be subject to approval by City Council.*
- 3. Applicant shall follow Leadership in Energy and Environmental Design (LEED) protocol as much as practicable.*
- 4. A six foot sidewalk zone shall be constructed on the Clay Street property line abutting the public right of way subject to final approval of the Georgia Department of Transportation. Future consideration shall be given to a right of way for a trail, sidewalk, bicycle path, etc, if ever constructed along the South Marietta Parkway.*
- 5. Exterior garage access doors shall be of residential or historic character in design.*

The following variances are granted:

- 1. Variance to increase the maximum floor area ratio from 0.5 to 2.0.*
- 2. Variance to waive the required forty (40) foot buffer area adjacent to a residential district.*
- 3. Variance to waive the 10% minimum open space requirement.*

20090303

Z2009-07 Marietta Housing Authority 268-300 Victory Drive and 127 Vista Circle

Z2009-07 [REZONING] MARIETTA HOUSING AUTHORITY request rezoning for property located in Land Lot 1286, 16th District, Parcels 68, 69, 70, 71, 72, 85, and 67, 2nd Section, Marietta, Cobb County, Georgia and being known as 268, 272, 280, 284, 286 and 300 Victory Drive and 127 Vista Circle from R-4 (Single Family Residential 4 units/acre) to RM-10 [Multi-Family Residential (10 units/acre)].

Approved

20090304

**Z2009-08 Union Chapel United Methodist Church and First Landmark Bank
315 Cole Street**

Z2009-08 [REZONING] UNION CHAPEL UNITED METHODIST CHURCH & FIRST LANDMARK BANK request rezoning for property located in Land Lot 11450, 16th District, Parcel 1330, 2nd Section, Marietta, Cobb County, Georgia and being known as 315 Cole Street from R-4 (Single Family Residential 4 units/acre) to OI (Office Institutional). Ward 5.

Approved

20090305

Z2009-09 Union Chapel United Methodist Church 264 and 268 Fowler Circle

Z2009-09 [SPECIAL LAND USE PERMIT] UNION CHAPEL UNITED METHODIST CHURCH request a Special Land Use Permit for a place of assembly (to allow the Church to construct additions to its building) for property located in Land Lot 11450, 16th District, Parcels 216 and 217, 2nd Section, Marietta, Cobb County, Georgia and being known as 264 and 268 Fowler Circle with a current zoning of R-4. Ward 5.

Approved

Motion to approve the request for a Special Land Use Permit as submitted with the inclusion of the Letter of Stipulations dated May 13, 2009. Further, item 1 of the Letter of Stipulations was amended to read, "...Applicant, its guests and invitees, to utilize the adjacent parking areas located..."

20090415

Code Enforcement - 600 Tom Read Drive

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 600 Tom Read Drive.

Listed Owner: Webb Jason D

Repeat Violation History: (5) cases since September 2007

Certified mail receipt received 04/24/09.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Approved

20090426

Code Enforcement - 1425 Cunningham Road

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1425 Cunningham Road.

Listed Owner: Joseph Milk

Repeat Violation History: (5) cases since October 29, 1998.

Certified mail receipt not received as of 04/30/09.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

*Approved***20090431 Code Enforcement - 351 McArthur Drive**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 351 McArthur Drive.

Listed Owner: Timothy Neal Weddington

Repeat Violation History: (4) cases since March 2, 2004.

Certified mail receipt not received as of 04/30/09.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

*Approved***20090432 Code Enforcement - 353 McArthur Drive**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 353 McArthur Drive.

Listed Owner: Timothy Neal Weddington

Repeat Violation History: (2) cases since August 15, 2008.

Certified mail receipt received on 04-27-09 --- MARKED "REFUSED."

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

*Approved***20090435 Code Enforcement - 271 Lemon Street**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 271 Lemon Street.

Listed Owner: Elizabeth Delores Ellerbee

Repeat Violation History: (3) cases since April 4, 2008.

Certified mail receipt received on 04/23/09 marked "FORWARDING TIME EXPIRED."

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

*Removed***20090437 Code Enforcement - 418 Atwood Drive**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 418 Atwood Drive.

Listed Owner: Mary B. Kandul (deceased)

Repeat Violation History: (1) case since July 29, 2004.

Certified mail receipt received on 4/25/09; signed by deceased's daughter-in-law.

Taxes paid: Owes \$2,405.77 for 2008.

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Approved

20090442 **Code Enforcement - 396 Polk Street**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 396 Polk Street.

Listed Owner: Dempsey Funeral Services of Georgia, Inc.

Repeat Violation History: (3) cases since May 8, 2008.

Certified mail receipt received 04-30-09; not signed by Officer of Corporation.

Taxes paid: Cemetery is EXEMPT from city taxes.

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Approved

20090444 **Denial of claim**

Motion to deny the claim of Elyse Murray.

Approved to Deny Claim

20090290 **Marietta Flea Market Donation**

Ordinance appropriating \$1,000 from Marietta Flea Market for fire safety programs.

Approved

20090377 **Erosion Control Fine Proceeds**

Approval of an Ordinance amending the Fiscal Year 2009 budget to receive and appropriate a fine in the amount of \$35,000 for erosion control violations to be used for the storm water NPDES program in the Public Works Department.

Approved

20090241 **Temporary Polling Place Change - Ward 7A**

Motion to approve the temporary polling place change for Ward 7A for the 2009 Elections, which will be the Mansour Center, 995 Roswell Street, Marietta, GA 30060.

Approved

20090328 **Call of the General Election for November 3, 2009**

An Ordinance to provide for the call of the General Election for the City of Marietta, Georgia; and to provide for the date for any runoff required where no candidate receives a majority of the votes cast.

Approved

20090329 **Election Contract - Cobb County Board of Elections**

Motion to approve a contract with the Cobb County Board of Elections to conduct the City of Marietta November 3, 2009 General Elections and Registration.

Approved

20090330 **Election Contract - Marietta Board of Education**

Motion to approve the contract with the Marietta Board of Education regarding the conduct of the November 3, 2009 General Election and related expenses.

Approved

20090381 **732 Kennesaw Avenue**

Motion to revise the stipulations that were attached to that zoning approval for the property located at 732 Kennesaw Avenue (#20010043) on February 14, 2001, so as to eliminate stipulation that "Two large trees at northwest corner of property shall be preserved". The remaining stipulations (identified below) shall remain in effect.

1. All buildings must be one story with sloping shingle roofs. Slope of roof must be at least 6 feet vertical for each 12 feet horizontal (30% slope). Three dimensional architectural type shingles must be used.
2. All building sides must be brick. No electric meter, panel box or other metal electrical exterior wall attachment shall be visible from Kennesaw Avenue. Any outdoor mechanical units shall not be visible from Kennesaw Avenue.
3. No parking spaces or detention ponds shall be permitted within the front building setback line along Kennesaw Avenue.
4. The front building setback of 40 feet shall be measured from the new right of way line for Kennesaw, not the pre-existing right-of-way line.
5. Any trash dumpster location shall not be visible from Kennesaw Avenue.

6. The only signage shall be a ground based brick monument sign. Sign may not have any plastic or metal surface visible.
7. There shall be no fence along the front of the property.
8. Front of property to be screened through use of berms and/or landscaping so as to hide vehicles in parking lot
9. Total area of buildings on property to be limited to 19,000 square feet.

Approved

20090386 **First Landmark Bank**

Motion to revise the stipulations (as requested in a letter from J. Kevin Moore to Russell J. Roth dated April 22, 2009) that were attached to that zoning approval for the property located at 307 & 325 North Marietta Parkway, and 321 Cole Street (#20080933) on September 10, 2008 (letter of stipulations and conditions dated September 9, 2008 from J. Kevin Moore to Russell J. Roth attached). The stipulations would be revised for the purpose of allowing a fence and retaining wall that exceed the height requirements for a fence. (Detailed elevations attached).

Approved

20090394 **Future Parks Bond Referendum**

Motion to add a Parks Bond Referendum to the November 3, 2009 ballot.

Approved as Amended

Motion to direct staff to compile the information necessary to add a Park Bond Referendum for the purpose of improving the City of Marietta park system to the November 2009 ballot.

20090365 **Polk Street at Marietta Middle School**

Motion approving the request by the Marietta Touchdown Club to implement a painting project and to allow Public Works to assist the Marietta Touchdown Club with implementation. Also, approval of a written maintenance agreement for the paintings holding the Touchdown Club responsible for all maintenance. Further, approval to allow the city to perform street or utility work without any responsibility to repair or replace paintings and said agreement allows the city to request removal of paintings within 30 days.

Approved

- 20090366 **General Street and Drainage Improvements**
Motion to approve 2009 SPLOST General Drainage Projects as recommended by the Public Works Department.
Approved
- 20090368 **North Woodland Drive at South Woodland Drive**
Motion approving a request to replace yield sign with stop sign at the intersection of North Woodland and South Woodland Drive.
Approved
- 20090369 **North Woodland Drive at Whitlock Drive**
Motion approving a request to replace yield sign with stop sign at intersections of Whitlock Drive and North Woodland Drive for sidewalk project.
Approved
- 20090372 **Lawrence Street, Haynes Street, and Washington Avenue**
Motion approving a Landscape License Agreement for sidewalks along city streets surrounding the new Cobb County Courthouse.
Approved
- 20090373 **Easement and Bridge Agreement**
Motion approving a County Courthouse Easement and Bridge Agreement.
Approved
- 20090374 **Temporary Air Rights Agreement**
Motion approving the Temporary Constructon Easement for a crane to be used in construction of the new Cobb County Courthouse.
Approved
- 20090387 **Tower Road Exchange Agreement**
Motion to approve Multi-Party Exchange Agreement among the City of Marietta, Tower Partners, LLC, WellStar Health System, Inc. and Kennestone Hospital, Inc., subject to the approval of all other parties thereto and contingent upon all parties carrying out the requirements set forth in the agreement.
Approved

20090388

Cogburn Avenue and White Street; Advertisements for Public Hearing

Motion to authorize staff to conduct the proper and necessary legal advertisements to hold a public hearing on whether or not to close portions of Cogburn Avenue and White Street and, if closed, to authorize multi-party exchange of the closed right-of-way.

Approved

20090474

591 Frasier Street

Motion to authorize the acquisition of property owned by Mr. Robert Winch on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

Approved

20090475

932 Roswell Street

Motion to authorize the acquisition of property owned by William A. Spinks on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

Approved

20090476

704 Fairgate Road

Motion to authorize the acquisition of property owned by Attic Self Storage on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

Approved

20090477

Property acquisition

Motion to accept donations from the Marietta Housing Authority for portions of the following properties for Lake Drive Intersection Improvements project:

427 Aviation Road

Approved

20090478

Property Acquisitions

Motion authorizing donation of construction and driveway easements for the Kennesaw Avenue Improvements project, for the following properties:

125 Atwood Drive- with stipulation by owner that the existing modular block wall be repaired by city during project.

299 St. Mary's Lane

285 Kennesaw Ave - Stipulation by owner that entrance and retaining wall at right-of-way not be disturbed.

288 Kennesaw Ave

293 Kennesaw Ave

303 Kennesaw Ave - Stipulation that no construction vehicle park on grass during construction

306 Kennesaw Ave - Stipulation that any damage to landscape/hardscape be replaced with like kind of material.

316 Kennesaw Ave - Stipulation that any damage to landscape/hardscape be replaced with like kind of material.

324 Kennesaw Ave - Stipulation that any damage to landscape/hardscape be replaced with like kind of material.

334 Kennesaw Ave - Stipulation that any damage to landscape/hardscape be replaced with like kind of material.

315 Kennesaw Ave - Stipulation that cherry tree on the corner not be disturbed.

345 Kennesaw Ave

383 Kennesaw Ave - Stipulation that brick apron and any damaged brick be replaced with like kind of material.

435 Kennesaw Ave - Stipulation that existing fence and retaining wall not be disturbed.

471 Kennesaw Ave

601 Oakledge Drive

Approved

20090396 GMA Annual Conference - June 20-23, 2009

Motion to approve travel and training expenses for the Mayor and Council members who wish to attend the Georgia Municipal Association (GMA) 2009 Annual Convention in Savannah, GA June 20-23, 2009.

Approved

20090397 GMA Voting Delegates for the 2009 Annual Convention

Motion to appoint Grif Chalfant as voting delegate and Holly Walquist as alternate voting delegate for the 2009 GMA Business Meeting being held during the Annual Convention June 22, 2009.

Approved

20090465 Voting Delegates - MEAG Annual Business Meeting

Appointment of William B. Dunaway as voting member and Robert Lewis as alternate voting member for MEAG annual business meeting to be held at the Ritz-Carlton, Amelia Island, FL, July 13-15, 2009.

Discussed

20090400 BLW Actions of May 11, 2009

Review and approval of the May 11, 2009 actions and minutes of the Marietta Board of Lights and Water Works (BLW).

Approved

20090479 Property Acquisitions

Motion authorizing donation of construction and driveway easements for the Kennesaw Avenue Improvements project, for the following properties:

264 Kennesaw Ave

340 Kennesaw Ave - Stipulation that acceptance of the donation be subject to the approval of the City Manager and the Public Works Director, as well as those having the ability to accept on behalf of the City a larger easement area that is defined in the attachment.

Approved on the Consent Agenda